

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: MATTHEW L. KOZIARZ CARLSON, GASKEY & OLDS, P.C. 400 W. MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009		Date of mailing (day/month/year) 08 JUN 2005	
Applicant's or agent's file reference 67173-002		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US05/07557	International filing date (day/month/year) 08 March 2005 (08.03.2005)	Priority date (day/month/year)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): A63F 9/08 and US Cl.: 273/153R; 434/177			
Applicant DOWE, ROBERT			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Jessica Harrison Telephone No. 703-308-1148
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/07557

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/07557

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-14 YES

Claims NONE NO

Inventive step (IS)

Claims 15-20 YES

Claims 1-14 NO

Industrial applicability (IA)

Claims 1-20 YES

Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/07557

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-2, and 11-13 lack an inventive step under PCT Article 33(3) as being obvious over LiDonnici P. E. (US 2004/0183253) in view of Elum (US 5,566,942).

LiDonnici P.E. discloses the following:

A grid of blank answer spaces for entering at least a first answer to a first puzzle clued in a first space and a second answer to a second puzzle clue in a second space (figures 1 and 3) as recited in claims 1 and 13.

The grid of blank answer spaces includes a perimeter (figures 1 and 3) as recited in claim 2.

The game surface having at least one electronic screen, erasable surface, inlaid surface, or printed surface (figures 1 and 3) as recited in claim 11.

The grid of blank spaces includes a first playing area for playing a word game using a first number of puzzle clues and a second smaller playing area within the first playing area for playing the word game using a second smaller number of puzzle clues (figures 1 and 3) as recited in claim 12.

Determining an answer to a puzzle clue to determine the location of the first answer space (summary) as recited in claim 14.

LiDonnici P.E. does not expressly disclose the following:

A reference mark relating the first space to the second space and the reference mark is within the perimeter as recited in claims 1, 2, and 13.

Elum teaches the following:

A reference mark relating the first space to the second space (figure 1) and the reference mark is within the perimeter (figure 1) as recited in claim 1. By having a reference mark relating the first space to the second space and the reference mark is within the perimeter, one of ordinary skill in the art would provide game players with clues by indicating that the letter to be placed in that square is to be selected from a particular subset of an alphabet.

Claims 3-7 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Harris et al. (US 6,491,300).

LiDonnici P. E. in view of Elum further discloses the following:

The location of the first space and the symmetric location of the second space correspond to the same colors, in which the examiner interprets the different colors or shapes to be an equivalent to the different location of reference marks being of different color (abstract) as recited in claims 6 and 7.

LiDonnici P. E. in view of Elum further discloses claimed invention as discussed above except for the following:

The reference mark includes a symmetric pattern as recited in claim 3.

The grid of spaces includes a midpoint, and the symmetric pattern is rotationally symmetric with respect to the midpoint as recited in claim 4.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/07557

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In case the space in any of the preceding boxes is not sufficient.

The grid of spaces includes a central axis and the first space is located on one side of the central axis and the second space is located on the opposite side of the central axis, and the location of the second space is rotationally symmetric to the location of the first space with respect to the midpoint as recited in claim 5.

The symmetric pattern includes first and second shapes, and a location of the first shape in a grid of blank spaces is rotationally symmetric with respect to the midpoint to a location of the second shape in the grid of spaces as recited in claim 7.

Harris et al the following:

The reference mark includes a symmetric pattern (figure 1) as recited in claim 3.

The grid of spaces includes a midpoint, and the symmetric pattern is rotationally symmetric with respect to the midpoint (figure 1) as recited in claim 4.

The grid of spaces includes a central axis and the first space is located on one side of the central axis and the second space is located on the opposite side of the central axis, and the location of the second space is rotationally symmetric to the location of the first space with respect to the midpoint (figure 1) as recited in claim 5.

The symmetric pattern includes first and second shapes, and a location of the first shape in a grid of blank spaces is rotationally symmetric with respect to the midpoint to a location of the second shape in the grid of spaces (figure 1) as recited in claim 7. By having a symmetric pattern, one of ordinary skill in the art would provide game players with consistent game board of clues to correctly solve the given puzzle.

Claim 9-10 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Hoyles (US 4,244,580).

LiDonnici P. E. in view of Elum further disclose claimed invention as discussed above except for the following:

The symmetric coordinates include at least one of a symbol, color, number, and letter as recited in claim 9.

The symmetric coordinates of the first space include at least one grid coordinate that is equal to a grid coordinate of the second space as recited in claim 10.

Hoyles teaches the following:

The symmetric coordinates include at least one of a symbol, color, number, and letter (figures 3-5) as recited in claim 9.

The symmetric coordinates of the first space include at least one grid coordinate that is equal to a grid coordinate of the second space (figures 3-5) as recited in claim 10. By having a coordinate type system, one of ordinary skill in the art would provide game players clues to solve the given puzzle.

Claims 15-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the method of associating the location of the first answer space with at least one of a symmetric pattern within the grid of blank answer spaces or symmetric coordinates indicating grid locations for at least a portion of the grid of blank answer spaces.